

REMARKS

Claims 1-24 are pending in the application. Claims 1-22 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 103 (a)**Rejection Under Salvage and Battle**

Claims 1-6, 8-14 and 17-22 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2001/0009014 issued to Savage et al. dated July 19, 2001 in view of U. S. Patent Number 6,081,592 issued to Battle on June 27, 2000.

Applicant has avoided this ground of rejection for the following reasons.

Applicant's claim 1, as amended, now recites,

"one or more application server components that transmit one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call;

wherein the one or more application server components establish the one or more data streams via employment of a) one or more data stream request messages and b) one or more identifiers which distinguish calls associated with the one or more application server components, and wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a static selection method."

As stated in the Final Office Action, Savage does not teach or suggest "a random selection method, a static selection method or a priority selection method". Moreover, applicant notes that Battle does not teach or suggest "a static selection method" either. This is because Battle discloses a completion time method, a random selection method, and a call order number method, as stated in column 28, lines 63-67 to column 29, lines 1-4.

By contrast, applicant's claim 1 recites, "wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a static selection

method". Thus, Battle is missing the "static selection method" elements, as recited in applicant's claim 1.

Thus, the clear teaching of Savage and Battle is that the one or more application server components do not select the one or more identifiers through employment of a static selection method.

Therefore the proposed combination of Savage and Battle does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-6, 8-14 and 21-22 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 17 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Savage and Battle. For example, claims 17 and 20 recite, "wherein the one or more identifiers are selected through employment of one or more methods, and at least one of the one or more methods is a static selection method". The proposed combination of Savage and Battle does not teach this limitation for the above-mentioned reasons. Therefore, claims 17 and 20 are likewise allowable over the proposed combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

Rejection Under Salvage, Battle and Cloutier

Claims 7 and 15-16 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Battle, and further in view of U. S. Patent Application Number 2004/0015405 issued to Cloutier et al. dated January 22, 2004.

Applicant respectfully traverses this ground of rejection.

Claims 7 and 15-16 depend from independent claim 1. As noted hereinabove, Savage and Battle do not teach or suggest "wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a static selection method", as recited in applicant's independent claim 1 or "wherein the one or more identifiers are selected through employment of one or more methods, and at least one of the one or more methods is a static selection method" as recited in applicant's independent claims

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17 and 20. Cloutier does not teach or suggest the elements either. Thus, claims 7 and 15-16 are allowable over the proposed combination of Savage, Battle and Cloutier under 35 U.S.C. § 103 (a).

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New Claims

New claims 23-24 have been added. Claims 23-24 provide additional limitations directed to the one or more application servers. No new matter was added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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